



03 AUG 2006

David R. Josephs  
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101 Dyer Street, 5th Floor  
Providence, Rhode Island 02903

In re Application of	:	
BAMBERG et al.	:	
Application No. 09/980,466	:	DECISION ON PETITION
PCT No.: PCT/IB99/00976	:	UNDER
Int. Filing Date: 01 June 1999	:	37 CFR 1.181 and 37 CFR 1.47(b)
Priority Date: None	:	
Attorney Docket No.: P00619-US	:	
For: INK-JET TRANSFER SYSTEM FOR	:	
DARK TEXTILE SUBSTRATES	:	

This decision is issued in response to applicant's "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action under 37 CFR 1.181(a)" filed 12 April 2006. Additionally, the petition is being treated as a "Renewed Petition under 37 C.F.R. 1.47(b)" to accept the application without the signature of inventors Ulf Bamberg, Ilona Stiburek, and Peter Kummer.

### **BACKGROUND**

On 01 June 1999, applicant filed international application PCT/IB99/00976. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 12 December 2000. A Demand was filed with the International Preliminary Examination Authority prior to the 19th month from the international filing date. Accordingly, the thirty-month time period for submitting the requisite basic national fee in the United States of America was extended to expire 30 months from the international filing date, 01 December 2001.

On 30 November 2001, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a copy of international application; and a preliminary amendment.

On 31 January 2002, the United States Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 must be filed. The notification set a two-month time limit in which to respond.

On 05 August 2002, applicant filed a petition under 37 CFR 1.47(b) and a petition

and requisite fee for a four-month extension of time. In a Decision dated 08 August 2003, the petition under 37 CFR 1.47(b) was dismissed without prejudice.

On 11 March 2005, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Abandonment (Form PCT/DO/EO/909) indicating that the application was abandoned for failure to file a complete response to the Decision on Petition mailed 08 August 2003 within the time period set therein.

On 12 April 2006, applicant filed "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action under 37 CFR 1.181(a)."

### DISCUSSION

#### A. Petition under 37 CFR 1.181

In response to the Notification of Abandonment mailed 11 March 2005, applicant states that the Decision on Petition under 37 CFR 1.47(b) was not received. With regards to applicants' request that the holding of abandonment be withdrawn, a proper showing in order to establish that papers were not received as set forth in the Official Gazette at 1156 OG 53 must include the following: (1) a statement by the practitioner that the Office action was not received by the practitioner; (2) a statement attesting that a search of the file jacket and docket records indicates that the Office action was not received; and (3) a copy of the docket record where the non-received Office action would have been entered had it been received (the docket record must also be referenced in practitioner's statement).

Applicant has satisfied item (1),(2), and (3) above.

#### B. Renewed Petition under 37 CFR 1.47(b)

A petition under 37 CFR 1.47(b) must be accompanied by: (1) the requisite petition fee under 37 CFR 1.17(i); (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the nonsigning inventor; (4) an oath or declaration executed by the 37 CFR 1.47(b) applicant on behalf of and as agent for the nonsigning inventor; (5) proof of proprietary interest in the application; and, (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damages.

A review of the materials submitted with the renewed petition reveals that applicant has now submitted materials which, taken in combination with the previous submissions, satisfy all the requirements for a grantable petition under 37 CFR 1.47(b).

### CONCLUSION

For the reasons above, the request under 37 CFR 1.181 is GRANTED. The holding of Abandonment is withdrawn.

The renewed petition under 37 CFR 1.47(b) is GRANTED.

The application will be given an international filing date of 01 June 1999 under 35 U.S.C. 363, and a date of **12 April 2006** under 35 U.S.C. 371(c).

As provided in 37 CFR 1.47(b), a notice of the filing of this application will be forwarded to the nonsigning inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(b) will be published in the Official Gazette.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

A handwritten signature in black ink, appearing to read "Anthony Smith".

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UNITED STATES PATENT AND TRADEMARK OFFICE

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03 AUG 2006

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In re Application of  
BAMBERG et al.  
Application No. 09/980,466  
PCT No.: PCT/IB99/00976  
Int. Filing Date: 01 June 1999  
Priority Date: None  
Attorney Docket No.: P00619-US  
For: INK-JET TRANSFER SYSTEM FOR DARK TEXTILE SUBSTRATES

Dear Peter Kummer:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(b) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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Counsel of Record:  
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**03 AUG 2006**

Ilona Stiburek  
Kocklistrasse 6  
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Zurich, Switzerland

In re Application of  
BAMBERG et al.  
Application No. 09/980,466  
PCT No.: PCT/IB99/00976  
Int. Filing Date: 01 June 1999  
Priority Date: None  
Attorney Docket No.: P00619-US  
For: INK-JET TRANSFER SYSTEM FOR DARK TEXTILE SUBSTRATES

Dear Ilona Stiburek:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(b) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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In re Application of  
BAMBERG et al.  
Application No. 09/980,466  
PCT No.: PCT/IB99/00976  
Int. Filing Date: 01 June 1999  
Priority Date: None  
Attorney Docket No.: P00619-US  
For: INK-JET TRANSFER SYSTEM FOR DARK TEXTILE SUBSTRATES

Dear Ulf Bamberg:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(b) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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